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CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Report of the Secretary-General

1. In its resolution 49/79 of 15 December 1994, the General Assembly, inter alia, recalled with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 1/ together with the Protocol on Non-Detectable Fragments (Protocol I), 1/ the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) 1/ and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III); 1/ registered its satisfaction with the reports of the Secretary-General (A/49/421, A/49/275 and Add.1 and A/49/357 and Add.1); urgently called upon all States that had not yet done so to take all measures to become parties, as soon as possible, to the Convention and upon successor States to take appropriate measures so that ultimately access to that instrument would be universal; and called upon the Secretary-General, in his capacity as depositary of the Convention and its three Protocols, to continue to inform it periodically of accessions to the Convention and the Protocols.

2. Pursuant to the request of the General Assembly, the Secretary-General submits herewith information on the actions with respect to the Convention and its three Protocols for the period under review, that is, from 1 September 1994 to 30 June 1995, which is contained in the annex to the present report.

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* A/50/150.

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3. As at 30 June 1995, the following 50 States were parties to the Convention: Australia, Austria, Belarus, Benin, Bosnia and Herzegovina, Belgium, Bulgaria, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Japan, Lao People's Democratic Republic, Latvia, Liechtenstein, Malta, Mexico, Mongolia, Netherlands, New Zealand, Niger, Norway, Pakistan, Poland, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Yugoslavia.

Notes

1/ See The United Nations Disarmament Yearbook, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

ANNEX

Actions in respect of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its three Protocols during the period from 1 September 1994 to 30 June 1995

States	Ratification, acceptance (A) approval (AA) or accession (a) succession (d)	Acceptance pursuant to article 4, paragraphs 3 and 4 Protocols		
		I	II	III
Belgium	7 February 1995	X	X	X
Ireland	13 March 1995	X	X	X
Israel a/	22 March 1995 (a)	X	X	
Italy	20 January 1995	X	X	X
Malta	26 June 1995 (a)	X	X	X
United Kingdom of Great Britain and Northern Ireland b/	13 February 1995	X	X	X
United States of America c/	24 March 1995	X	X	
Uruguay	6 October 1994 (a)	X	X	X

a/ Accepting Protocols I and II and with the following declarations and understandings:

"1. Declarations:

(a) With reference to the scope of application defined in article 1 of the Convention, the Government of the State of Israel will apply the provisions of the Convention and those annexed Protocols to which Israel has agreed to become bound to all armed conflicts involving regular armed forces of States referred to in article 2 common to the General Conventions of 12 August 1949, as well as to all armed conflicts referred to in article 3 common to the Geneva Conventions of 12 August 1949.

(b) Article 7, paragraph 4, of the Convention will have no effect.

(c) The application of this Convention will have no effect on the legal status of the parties to a conflict.

"2. Understandings:

(a) It is the understanding of the Government of the State of Israel that the compliance of commanders and others responsible for planning, deciding upon, or executing attacks to which the Convention and its Protocols apply, cannot be judged on the basis of information which subsequently comes to light, but must be assessed on the basis of the information available to them at the time that such actions were taken.

(b) With respect to Protocol I, it is the understanding of the Government of Israel that the use of plastics or similar materials for detonators or other weapon parts not designed to cause injury is not prohibited.

(c) With respect to Protocol I, it is the understanding of the Government of Israel that:

(i) Any obligation to record the location of remotely delivered mines pursuant to subparagraph 1 (a) of article 5 refers to the location of minefields and not to the location of individual remotely delivered mines;

(ii) The term pre-planned, as used in subparagraph 1 (a) of article 7, means that the position of the minefield in question should have been determined in advance so that an accurate record of the location of the minefield, when laid, can be made."

b/ With the following declaration:

(a) Generally

(i) The term "armed conflict" of itself and in its context denotes a situation of a kind which is not constituted by the commission of ordinary crimes including acts of terrorism, whether concerted or in isolation.

(ii) The United Kingdom will not, in relation to any situation in which it is involved, consider itself bound in consequence of any declaration purporting to be made for the purposes of article 7 (4), unless the United Kingdom shall have expressly recognized that it has been made by a body which is genuinely an authority representing a people engaged in an armed conflict of the type to which that paragraph applies.

(iii) The terms "civilian" and "civilian population" have the same meaning as in article 50 of the first Additional Protocol of 1977 to the 1949 Geneva Conventions. Civilians shall enjoy the protection afforded by this Convention unless and for such time as they take a direct part in hostilities.

(iv) Military commanders and others responsible for planning, deciding on, or executing attacks necessarily have to reach decisions on the basis of their assessment of the information from all sources which is reasonably available to them at the relevant time.

(b) Re: Protocol II, article 2; and Protocol III, article 1

A specific area of land may be a military objective if, because of its location or other reasons specified in this article, its total or partial destruction, capture or neutralization in the circumstances ruling at the time offers a definite military advantage.

(c) Re: Protocol II, article 3

In the view of the United Kingdom, the military advantage anticipated from an attack is intended to refer to the advantage anticipated from the attack considered as a whole and not only from isolated or particular parts of the attack.

(d) Re: Protocol III, article 2

The United Kingdom accepts the provisions of article 2 (2) and (3) on the understanding that the terms of those paragraphs of that article do not imply that the air-delivery of incendiary weapons, or of any other weapons, projectiles or munitions, is less accurate or less capable of being carried out discriminately than all or any other means of delivery.

c/ With the following reservations, declaration and understandings:

(1) Reservation:

Article 7 (4) (b) of the Convention shall not apply with respect to the United States.

(2) Declaration:

The United States declares, with reference to the scope of application defined in article 1 of the Convention, that the United States will apply the provisions of the Convention, Protocol I and Protocol II to all armed conflicts referred to in articles 2 and 3 common to the Geneva Conventions for the Protection of War Victims of 12 August 1949.

(3) Understanding:

The United States understands that article 6 (1) of Protocol II does not prohibit the adaptation for use as booby traps of portable objects created for a purpose other than as a booby trap if the adaptation does not violate paragraph (1) (b) of the article.

(4) Understanding:

The United States considers that the fourth paragraph of the preamble to the Convention, which refers to the substance of provisions of article 35 (3) and article 55 (1) of Additional Protocol I to the Geneva Conventions for the Protection of War Victims of 12 August 1949, applies only to States which have accepted those provisions.